Reaſons humbly offered in juſtification of an Order granted to Major George Wither, *by the Honourable Houſe of Commons, the ninth of Febr. 1642. for repaire of his damages ſuſtained (by the Kings Forces) at the beginning of this War, out of the goods and eſtates of his Plunderers, or any others in Armes againſt the Parliament: Whereunto are annexed alſo, reaſons againſt the paſſing of an Ordinance for one* Edward Andrews *a Delinquent, part of whoſe perſonall eſtate was ſeized and poſſeſſed by vertue of the ſaid Order, and injuriouſly taken againe out of the ſaid Majors poſſeſſion, by colour of a compoſition at Goldſmiths Hall, to the diſhonour of the Houſe of Commons.*

Reaſons juſtifying the ſaid Order in generall.

I*N primis,* The ſaid Major *Wither* was one of the firſt in the Kingdome, who was damnified by the Kings Forces to any great value; the firſt Contributer to the Parliament in thoſe parts where he lived; the firſt who there took up Armes for it, as a Commander, and one who hath not only divers other wayes ſince this war, but all his life time alſo, manifeſted himſelfe, both in word, deed, and ſufferings, to be an Oppoſer of publike tyrannies, oppreſſions, and ſuperſtitions, according to his faculties and his power, even to the hazarding of his life, and the loſſe of his eſtate at this preſent, as well as to the hindrance of his preferment heretofore.

Secondly, (though the contrarie be ſuggeſted by ſome envious or malignant perſons in Surrey) the ſaid Major can make it appeare, that his hindrances and loſſes, whoſe repaire was intended by the ſaid Order, were far greater than to the ſaid Houſe of Commons they were certified to be; and that ſuch as in the ſaid Countie of Surrey, were drawne by ſome in authoritie to ſweare the Negative, were abuſed, and made to perjure themſelves, in ſo doing.

Thirdly, the ſaid Order was fairly gotten, and deliberately granted, not only according to an Ordinance of the Parliament of England, but in purſuance alſo of a Declaration of both Kingdomes, wherein it is declared, that no man who hath been in eminent action, or ſuffered any notable loſſe for the Publike, ſhould be neglected or ſleighted; but, one way or other, thankfully remembred, to his good and the honour of his poſteritie: The ſaid two Kingdomes thereby declared alſo, that the whole eſtates, reall and perſonall, moveables and inheritance, of ſuch who were perſonally excepted from pardon, and who having taken up Armes againſt the Parliament, ſhould not come in before a day ſet therefore, ſhould be forfeited for the paying of publike debts, eaſing common burthens, and repairing particular loſſes; and, as an eſtabliſhment of the ſaid Order is a making good of the ſaid Declaration, and of the Publike Faith thereby engaged; ſo the annihilation or fruſtrating of the ſame, before the ſaid Majors loſſes are fully repaired (without ſome other recompence) will be a diſhonour to the Parliament, if not a violation of the faith of both Kingdoms.

Fourthly, if the ſaid Order ſhould be contemned, and made ineffectuall to the ſaid Major, as it hath lately been, it would much infringe the Liberties of the Houſe of Commons, and make their Orders contemptible, to the diſ-honour of the whole Commonaltie of England: For, it will bee conceived, that they either granted more, then they ought to have vouchſafed; or more, then they had power to maintaine; or more, then they have will to performe; or els, that they were not well adviſed what they granted; the leaſt of which being admitted, would bring contempt on that Honourable Houſe: and ſhould they give and take away, or not proſecute what they had given, few men would hereafter regard their Gifts or Orders.

Fiftly, the ſaid Order was granted at the beginning of this War, and when the favour thereby vouchſafed (for few ſuch Orders were afterwards obtained) was in probabilitie, that well-affected men might be thereby incouraged to contribute their aſſiſtance the more chearfully, and the more bountifully to the Parliament. And, if now, when their neceſſities are once ſupplied, and the publike ſecured (by thoſe willing-ones, ſo far as their eſtates would extend, who bore the firſt brunt of the warre) the promiſes made them ſhould be forgotten, or the Orders granted for their reliefe rendered void, without any demerit or cauſe ſhowne; it will prove an injurie of dangerous conſequence, and loſe the State ſometimes more, than that little which would be ſaved thereby could ever recompence; eſpecially when the wrong ſhall fall upon a man who is able to make his oppreſſions appeare to the world, and whoſe good affection to his Countrey is ſo well knowne to the whole Kingdome, as the ſaid Majors: and who can tell what extreame wants, joyned with unſufferable injuries and neglects, long complained of, without remedy or regard, may tempt him unto?

Sixthly,

Sixthly, the ſaid Major ought in equitie to be repaired according to the ſaid Order, becauſe his thankfulneſſe for the ſame, and his confidence in the Publike Faith, made him neglect the execution of the ſaid Order, when it might have been moſt for his advantage, rather than hee would deſert the publike ſervice for his private benefit, when the Common-wealth was in danger; although that neglect indangered the leaving of his children without meanes of breeding, and expoſed his wife and family to extreme wants upon uncertaine hopes: for on the continuance of his life all their maintenance then ſubſiſted. Beſides this, he hath forborne his owne pay ever ſince the beginning of this war; diſburſed to his Souldiers above five hundred pounds out of the remaines of his plundred eſtate, to keep them from diſ-banding; and paid all contributions and taxes to both Kingdomes, without repining, even out of that money which he borrowed, and payeth intereſt for, to maintaine his Family; becauſe he would not diſcourage others; and becauſe he thought nothing too much to be adventured in this quarrell.

Seventhly, it appeares reaſonable, that the ſaid Order ſhould be made effectuall to the ſaid Major *Wither*, in regard he hath no way abuſed the favour vouchſafed, by acting greedily or rigorouſly; for, it will appeare upon examination, that hee executed the ſame moderately and modeſtly, with more ſenſe of compaſſion towards others, than of his owne neceſſities; never taking any thing by vertue of the ſaid Order, till extreme wants pinched him, or his: In ſo much, that (though malice and malignancie have ſuggeſted the contrarie) hee is yet ſo far from recovering any part of his principall damages ſuſtained by plunder (his hindrance conſidered in the loſſe of the intereſt thereof, out of which his ſubſiſtence ſhould ariſe) that hee is at this day worſe by ſome hundreds of pounds, than at his firſt plundring, though his yearly expences are far ſhort of what they formerly were. And if his kind Creditours continue not their forbearance, he who was never heretofore ſo engaged, may be a priſoner to morrow, without adventuring into the Kings quarters; yea, and though they ſhould for ever forbeare him, his children will grow barbarous for want of means to educate them, and be expoſed to hunger and nakedneſſe, if his arreares be not ſpeedily paid, or if his faithfulneſſe, engagements, and ſufferings, be not better conſidered and recompenced (than they have hitherto been) by ſome other timely ſupply.

Eightly, whereas ſome have ſought to enervate the ſaid Order, by the Ordinance for Sequeſtrations, becauſe it came forth after the ſaid Order was granted to Major *Wither*, and before it was fully executed; the ſaid Major having, by that means, received much detriment, to the fruſtrating of the favour graciouſly intended to him by the Commons, humbly conceiveth it to bee reaſonable (the ſaid Order neither being unduly executed, nor expreſly repealed, nor the juſt end accompliſhed, for which it was granted) that it ſhould bee continued effectuall to that end for which it was granted; eſpecially, when by poſſeſſion or ſeizure, an equitable propertie or intereſt, in the goods or eſtate of a Delinquent is transferred from the ſaid Delinquent, to one to whom the whole Parliament is ingaged: and perhaps it would ill become the honourable Commons of England, to permit their own juſt grant, and favour to be eluded, for want of a circumſtantiall Proviſo in an Ordinance, wherein nothing was intended prejudiciall thereto.

Ninthly, the ſaid Order may be juſtified without damage to the Publike, becauſe, if the ſaid Major *Wither* hath, or ſhall tranſgreſſe in executing the ſame, there are Committees of Accompts for the whole Kingdome in generall, and for moſt Counties in particular, by whom his miſ-carriage thereof may be diſcovered; and there is at this preſent owing to the ſaid Major, from the State [illegible] due by Accompt made upon Debenters, with Orders for the payment thereof, (beſides what is due for the quarters and pay of his Souldiers, above three [illegible]) out of which the Common-wealth may be ſecured.

Laſtly, the gracious favour intended by the ſaid Order is the rather to be confirmed to the ſaid Major, becauſe, though he hath ſuffered many wants, moleſtations, and unjuſt affronts in the Parliaments ſervice, he neverthelesse, continueth conſtant in his dependence thereon, and in his affection thereto. And if the ſaid Order had been, or might be as advantagious to him, as they who envie that favour have ſuppoſed; yet, hee conceiveth it need not be repented of, as an over-large proportion of grace, conſidering how rich many other men are become by their good employments, who have neither contributed, nor acted, nor adventured, nor ſuffered any thing ſo conſiderable (if any thing at all) for the common ſafetie. Moreover, the ſaid Major *Wither* hath not lived heretofore, nor deſireth to live hereafter, to himſelfe only, upon that which hath been, or ſhall be reſtored unto him: For he hath ever ſince this war, ſpent his money and his time, according to his abilities and the occaſions offered, without any charge to the State (except now and then a dinner) in ſerving diligently, and in diſcharging faithfully the Publike truſt at his owne coſt in the Commiſſion of the Peace, and in almoſt all the Committees of Surrey ſince his military employment

ployment

ployment ceaſed; untill they who found him unuſefull for their deſignes, cauſed him to be left out of ſome of thoſe Committees: yea, and ſince he and they who ſtood in the [illegible] the firſt ſhock of Tyranny, were juſtled out of employment, hee hath found [illegible] and put himſelfe to coſt, in thoſe publike ſervices, which (perhaps) the next age will think conſiderable, though this doth not.

Reaſons why the compoſition with Captain Edw. Andrewes *at Goldſmiths Hall ſhould not be confirmed unto him by an Ordinance.*

First, the ſaid compoſition was ſurreptitiouſly gotten, and before the nature of the ſaid [illegible] his Delinquencie, or the value of his eſtate was made known to the ſaid Committee; by which meanes the ſumme compounded for, was not a fourth part of the yearely value.

Secondly, it is probable that the ſaid *Andrewes* came not out of the Kings Quarters to [illegible] purpoſe to compound: but, rather to betray Major *Geo. Wither* unto the Kings forces at Reading, or Baſing; for, there was a voluntarie confeſſion of ſuch a deſigne, confirmed upon oath, by one who ſhould have aſſiſted therein; but Baſing being beleaguered, and Reading deſerted when *Andrewes* came thither, he thought it (as it ſeems) his beſt courſe to pretend a ſubmiſſion. And that he did not at firſt really intend the ſame, appeareth by his promiſing to a Countryman of his, whom he thought to be of his mind, that aſſoone as he had compounded for his eſtate in Surrey, and diſpoſed thereof, he would returne into the Kings Quarters, where his family and the reſt of his eſtate, then was.

Thirdly, becauſe the ſaid *Andrewes* not only raiſed a Company of Dragoons againſt the Parliament voluntarily, and without Commiſſion (as is informed) but after the ſaid Dragoons were taken by Sir *William Waller*, acted violently alſo, againſt the well-affected in Herefordſhire, and particularly broke up and ranſaked the houſe of Sir *Edw. Powel*, in a felonious manner, without Warrant or Commiſſion, having onely one Ruffian-like fellow in his Company, who with a drawne ſword put the houſe-keeper in fear of his life, as appeareth upon oath.

Fourthly, before the ſaid Compoſition was allowed or reported, the ſaid *Andrews* did by colour thereof, diſ-poſſeſſe the ſaid Major *Wither* of a Farme in Surrey, which being a part of the perſonall eſtate of the ſaid *Andrewes*, the ſaid Major had formerly by vertue of an Order of the Houſe of Commons ſeized, valued, & poſſeſſed, for the Delinquencie of the ſaid *Andrews*, who had forfeited his eſtate therein by taking up armes againſt the Parliament, and by not returning to his obedience before the ſet Day, according to an Ordinance. In contempt of which Order, the ſaid Captain *Andrewes* brought, or ſent to the ſaid Farme, ſouldiers and others about midnight, who, aſſaulting the houſe with threatnings to kill thoſe that were within it, if they opened not the doore, ſhot three musket bullets againſt the ſaid doore; one of which bullets broke it open, and carried the lock thereof againſt the breaſt of the ſaid Majors ſervant, to the indangering of his life: and, he being all alone in the houſe, the Ryotours broke in upon him, demanding in a hoſtile manner, if he would have quarter, and ſeized upon the goods in the houſe belonging to the ſaid Major, which he keepeth from him euer ſince, with his corne then growing upon the ground: and the ſaid Major hath waited now almoſt twelve moneths without remedy or hearing; which, conſidering how well the ſaid Major *Wither*, and how ill the ſaid *Andrews* hath deſerved of the State, renders his inſolencies (as is humbly conceived) too many and too great, to make him capable of an Ordinance for his Compoſition.

Fifthly, the ſaid *Andrewes* having before his time, and without order, forcibly and ryotouſly entred the Farme as aforeſaid, and unlawfully taken to himſelfe almoſt as much of the ſaid Major *Withers* own goods, as would diſcharge the value of his Delinquencie, did immediately alſo, and before his compoſition was reported to the Houſe of Commons (or before hee had any poſſeſſion lawfully given unto him) fell downe the woods, and take the profits of the ſaid Farme, to a greater value than his whole compoſition amounted unto, which makes it the more unreaſonable.

Sixthly, *Andrewes* his compoſition (at leaſt for that part of his perſonall eſtate, which was ſeized by Major *Wither*) ought not to be confirmed to the ſaid *Andrewes* by an Ordinance, becauſe the ſaid *Andrewes* not coming in before the time limited in the Ordinance of Grace; and the ſaid Major having poſſeſſed that part of the ſaid *Andrewes* eſtate, immediately after the ſaid time limited, and before the Ordinance of Sequeſtration came forth, (by no worſe authoritie than by an Order of the Houſe of Commons, grounded on a Declaration of both Kingdomes, for a juſt releefe of damages ſuſtained in the generall Cauſe) it would ſeeme verie unreaſonable, that without cauſe or hearing, the ſaid Major ſhould be diſ-poſſeſſed thereof, and concluded againſt by an Ordinance of Parliament,

Parliament, hee having petitioned and waited almost twelve months for the prevention thereof; And it will not be disgracefull and injurious to the said Major *Wither* only, if hee should be thus affronted without remedy, but dishonourable to the House of Commons, that their Order should be sleighted, and their gift taken from their friend, and conferred on their enemy, who (as is reported) could not forbeare since his composition, to let fall words manifesting a continuing disaffection to the State.

Laſtly, if the ſaid compoſition ſhould be confirmed to the ſaid *Andrewes*, for ſo ſmall a value, to the damage and diſparagement of the ſaid Major; the ſaid *Andrewes* having voluntarily armed himſelfe, and acted againſt the Parliament, ſo long as hee had power or repute in the Kings quarters; if after he hath (in probabilitie) done more ſpoyle, and committed more outrages than an hundred times his eſtate, and twice ſo many lives as his can make recompence for; yea, if he, who is rather miſcheevous than ſerviceable to us, now hee is come in, ſhall after hee hath murthered and robbed the Parliaments friends, be permitted (even during the war which hee hath fomented, and in our quarters) to enjoy his eſtate peaceably, to the deſpitefull diſpoſſeſſing of him, both of his habitation and maintenance, who hath adventured his life, loſt his eſtate, and many other wayes continued an unwearied zeale to that Publike Safetie, which, ſuch Traytours as the ſaid *Andrewes*, hath ſought to deſtroy; it is feared the injurie will be more than can be well borne, and ſuch, as will redound not only to the diſhonour of the Houſe of Commons, but of the whole Parliament and Kingdome; for which the ſaid Major ſhould be verie ſorrie.

Thus having reaſon'd; whether he
An Independent *ſeemes to be,*
Or Presbyterian-Friend;
Let not the difference *wrong the* Cauſe;
For whilſt our Factions *give us* Lawes,
Our plagues will never end.
Where Truth *and* Love *together ſide,*
Men will debate; but, not divide:
But, where Self-ſeekings *raigne:*
And, where Opinion *ſway doth beare,*
Confuſions in their Counſels *are,*
And Reaſon *ſpeaks in vaine.*

GEO. WITHER.

108958